DOCUMENT RESUME

ED 424 155 SO 029 218

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TITLE Policy Approaches to Risk: "Risk" in Past and Present Federal Legislative Initiatives.
PUB DATE 1997-03-00
NOTE 26p.; Paper presented at the Annual Meeting of the American Educational Research Association (Chicago, IL, March 24-28, 1997).
PUB TYPE Reports - Descriptive (141) -- Speeches/Meeting Papers (150)
EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *At Risk Persons; *Educational Finance; *Educational Legislation; *Educational Policy; Elementary Secondary Education; *Federal Aid; *High Risk Students; Policy Formation; Tax Allocation
IDENTIFIERS *Elementary Secondary Education Act

ABSTRACT

This paper examines the way changing notions of "risk" have shaped federal educational policy. Section 1 of the paper presents a broad history of federal K-12 legislation and suggests that these programs have been motivated by different conceptions of "risk." Section 2 offers a portrait of the 1994 reauthorization of the Elementary and Secondary Education Act as a window into how current conceptions of "risk," as well as other factors, affect federal policy. (EH)

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Policy Approaches to Risk:
"Risk" in Past and Present Federal Legislative Initiatives

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March, 1997

Paper prepared for Annual Meeting of the American Educational Research Association, Chicago

March, 1997

SO 029 218

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ABSTRACT

In this paper, we examine the way changing notions of "risk" have shaped federal educational policy. The paper has two sections. In the first section, we present a broad history of federal K-12 legislation and suggest the way that these programs have been motivated by different conceptions of "risk." In the second section, we present a portrait of the 1994 reauthorization of the Elementary and Secondary Education Act as a window into how current conceptions of "risk," as well as other factors, affect federal policy.

INTRODUCTION

This paper examines conceptions of risk embedded in federal educational policy. The paper has two related sections. In the first section, we present an historical overview of federal K-12 legislation and describe how changing notions of risk have influenced federal legislation. In the second section, we take an in-depth look at the 1994 battle over the Clinton Administration's proposal to reauthorize the Elementary and Secondary Education Act. We use this portrait of the reauthorization as a window into notions of risk embedded in today's historical moment (to borrow a phrase from Mike Rose) as well as to consider the factors beyond risk that influence federal policy. Before jumping into these examples, however, we want very briefly to spend time discussing our choice of federal legislation as the arena for understanding "policy approaches to risk."

"Educational policy" describes a vast terrain. Whether one discusses federal funding, state textbook mandates, school district guidelines, union contracts, or teacher classroom rules, the topic remains "policy." Moreover, non-governmental authorities -- often universities and think tanks -- make "policy" recommendations for changing what happens in schools, districts, states, and the nation. In addition, schooling practices are influenced by trends and patterns made in areas often considered beyond the purview of educational policy, such as residential segregation, differential employment opportunities, and economic shifts. Risk too, conveys several possible meanings. Although substantial literature on risk focuses on children whose educational opportunities are circumscribed by economic or ethnic marginalization in public schools, this paper conceptualizes risk somewhat differently. Instead of presenting a single definition of risk and using it to examine specific educational policies, we present risk as it has been constructed by federal policymakers in the area of education. This allows us to show how conceptions of risk have changed in relation to particular historical periods. Thus, this paper looks

at only a small piece of the inherently expansive topic, "policy approaches to risk," which encompasses multiple meanings of risk along multiple levels of policy.

In this paper, we focus on federal legislation for two reasons. First, this is the area with which we are most familiar and, therefore, least likely to err egregiously. Second, and more important, the federal government has played an important role in generating policies -- such as Title I of the Elementary and Secondary Education Act -- traditionally considered "risk-related," and therefore offers insight into the general question of "how policy conceptualizes risk."

SECTION 1: "RISK" IN THE HISTORY OF FEDERAL K-12 LEGISLATION

Introduction

In this section, we examine, in brief, the history of the US federal government's policy for elementary and secondary public education, and discuss how these policies relate to conceptions of risk. While "federal policy" spans both legislative and judicial action and extends across numerous issue areas and programmatic boundaries, this paper mostly limits its scope to the major federal legislation establishing K-12 programs. In so doing, we organize this history into three eras -- up to 1958, the 1960s and 70s, and the Reagan Presidency. We chose these groupings, because they seem to represent distinct eras and approaches to notions of risk. In the second section of the paper, we examine, more closely, current federal legislative initiatives and their embedded conceptions of risk.

This paper's approach to history merits one additional caveat: Numerous scholars today challenge the notion of "neutral" descriptions of historical events. Rather, these scholars argue, any historical event actually carries multiple meanings and histories, and the description presented always reflects the perspective -- political, social, and historical -- of the particular historian. The version of history presented in this paper, we recognize, is limited by its inability to reflect the

numerous histories contained within the past 30 years of federal legislative action in K-12 public education. But while the version of history presented here is but one of many stories that could be told, it attempts to capture multiple perspectives. With this caution in mind, let us continue.

From the Massachusetts Settlers to 1958

Since the Massachusetts Bay Colony passed the 1642 law requiring towns with more than 50 households to start a school, K-12 education in this country has been the province of local government and local institutions (Bailyn, 1960; Cohen, 1974; Tiedt, 1966; Tyack, 1974). Even when the country adopted the federalist government structure, education remained the authority of state constitutions and local forms of governance. As Berke writes, "over its long history, debates over federal support for education have pinched the most sensitive nerves of the American body politic, the nerves of religion, race, and states rights" (Berke & Kirst, 1972, p.1). The fear of federal influence over K-12 education can be explained in numerous ways. Some historians argue that American anti-government sentiment stems from the white Puritan settlers' rebellion against oppressive British state control over religious expression. Other theorists have cited Southern slave-holders' resentment of the union government's "meddling" in their ways of doing business as the origin of anti-government sentiment. What is clear in all the descriptions is the vehemence of some Americans' opposition to what they perceive to be excessive government involvement in certain arenas (Tiedt, 1966). In part due to strong public fears of government-intrusion in educational affairs, it was not until 1958 that the federal government of the United States aggressively entered the arena of K-12 education legislation.

While there were numerous factors at play in the federal government's legislative debut in K-12 education, the oft-cited catalyst was the Soviet Union's successful 1957 launch of the *Sputnik* satellite. In response to the threat of losing a

technological war to the communist arch-enemy, Congress declared K-12 public education a matter of national security and passed the National Defense Education Act of 1958 (NDEA). The NDEA funded fellowships, improvements in math, science, and foreign language curricula, loans for higher education, guidance counseling, and additional technical assistance to schools (Cuban, 1990; Jennings, 1988; Kirst, 1984; Thomas, 1975; Tiedt, 1966). According to one reading of the NDEA, the federal government sought to promote the value of excellence in education, raising the ceiling of educational standards to produce more highly-qualified and trained scientists and language-specialists.

While most historians describe NDEA as an attempt to keep up with the Soviets, examining the legislation's broader political and historical context suggests additional explanations. Just four years prior to NDEA's passage, the Supreme Court had decided the 1954 *Brown vs. Topeka (KS) Board of Education* case. And while few districts had actually desegregated schools, public officials were keenly aware that they were being watched. It is not implausible to argue that the NDEA, the first major federal funds to K-12 education, sought to placate white officials and white parents threatened by the specter of federally-mandated desegregation. If the courts were requiring educational equity, the Congress would compensate the white public with federal funds for science, math, and language programs -- programs at that time (and to this day), more often serving white children.

The Risk in 1958 -- The passage of the NDEA, then, might be understood to embody two very different conceptions of risk. On the one hand, NDEA is described as a policy aimed at bolstering the United States' ability to compete with the Soviets. From this perspective, preliminary federal involvement in education characterizes risk as the risk of a foreign threat to America's political security. Targeting spending to boost math and science achievement responded to perceptions of external and internal risk. Overtly, NDEA responded to external risk in the form of Soviet technological advances. But from another perspective, the NDEA covertly

responded to the internal political risk of state and local resistance to federal desegregation mandates specifically, and redistribution of resources away from powerful constituents toward minority students more generally. This picture of "risk," then, has two faces; one that is prominently displayed in the foreground, and another, that, although in the background, is no less important in understanding the impetus for federal involvement in education. It is a picture that will reappear throughout this paper.

The 1960s and 1970s

After NDEA broke the barrier between the federal government and K-12 education, a deluge of federal education legislation followed. In 1965, Congress passed the $1.5 billion Elementary and Secondary Education Act (ESEA). As the education component of President Lyndon Johnson's War on Poverty, ESEA and its Title I program (by far the largest of the ESEA programs) targeted funds to low-achieving and poor students. In the early 1970s, Congress enacted the Bilingual Education Act, funding programs to assure limited-English-proficient students had access to education in their native languages. In the 1972 Education Amendments, Congress passed Title IX, which prohibits funds to districts that discriminate against girls. In 1973, Congress passed Section 504 of the Rehabilitation Act and the Education for All Handicapped Children Act, both of which sought to ensure the rights of handicapped students to equal educational opportunities (Jung & Kirst, 1986, p.85). All of these programs are considered to be compensatory, aimed at providing funds to compensate for educational "disadvantages" that students of certain groups -- the handicapped, the poor, the non-English speaking -- bring to school (Elmore & McLaughlin, 1983; Kirst, 1984; Thomas, 1975; Tiedt, 1966; Timpane, 1978; Wirt & Kirst, 1992; Yudoff, Kirp & Levin, 1992). In 1979 Jimmy Carter capped the expansion of the federal role in promoting equity for disadvantaged students by establishing the federal Department of Education.

According to a 1986 review of literature on the role of the federal government in public education, "there was broad-based agreement... that passage of ESEA marked the beginning of the modern era for an activist federal role in pre-collegiate education" (Jung & Kirst, 1986, p.85). However, some historians question how "aggressive" the federal government's policies actually were, citing the historical and political context surrounding the bill's passage. ESEA passed in 1965, more than a decade after the Supreme Court's 1954 *Brown* decision, and civil rights advocates sought legislative action to force the goals of the court decision. Discussing the Kennedy-Johnson's War on Poverty as a response to *Brown*, Kantor and Lowe argue that: "most of the Great Society's education legislation seems to have been motivated by a desire to provide a politically feasible alternative to school desegregation (particularly for northern Democrats fearful of white backlash but dependent on black votes) while still doing something for low-income blacks" (Kantor & Lowe, 1995, p.9). While ESEA did provide substantial federal funding to school districts, thereby strengthening Title VI's (the Civil Rights Act of 1964) prohibition of federal funds to districts that discriminated by race (Yudoff et al., 1992, p.673), the limited enforcement powers of the federal government weakened even this mechanism. Like NDEA before it, the political context of ESEA's passage is clouded by attempts to balance commitment to equity against the potential backlash of white communities over federally-mandated school desegregation. Such political expediency raises questions not answered by mainstream descriptions of federal education legislation from 1965 to 1979.

Risk in the 60s and 70s -- Again, federal involvement in education during this period, and the related notions of risk underlying this involvement, can be described in very different ways. From the mainstream perspective, passage of ESEA and other compensatory programs clearly conceptualized risk much differently than previous legislation. Risk, at the federal level, was no longer the inability to compete against a foreign power, but became loosely conceived as the achievement and opportunity gaps between mainstream students (mostly white, middle-to-upper

class) students and their under-performing peers (many of whom were poor or minority children). Shifting notions of risk called for dramatically different policy responses. Rather than direct federal resources to bolster achievement among America's highest performing students, as was the case with NDEA, federal policy attempted to reduce the economic, cultural, and social "deficits" of low-achieving students by targeting funding toward children in poverty. Policies enacted during this period conceptualized risk as a function of poverty, gender, English-language proficiency, or physical disability -- areas chosen for reasons of historic discrimination as well as group members' often lower-than-average achievement scores.

But from another perspective, ESEA resembles a politically-expedient mechanism for increasing funding broadly across all states, under the broad mission of serving low-income children. From this perspective, federal legislation responded not to the risk of poor and minority children being denied equitable educational opportunities, but the political risk of shifting financial priorities away from the middle class to assist needy students. Despite the social consciousness that characterized the era, lawmakers were still reluctant to engage in resource redistribution that might be perceived as taking resources away from the "deserving" (and mostly white) middle class to aid the "undeserving (and less white) poor. To enact ESEA in such a way to avoid alienating powerful white constituents, lawmakers negotiated a funding formula that allowed nearly every school district in every state to benefit from Title 1 funding.

The 1980s

With the expansion of federal education programs aimed at compensating for target populations' risk for educational failure, so too followed an administrative and programmatic structure of increasing complexity. During this period, according to Tyack and Hansot,

> Federal and state governments, responding to social movements and interest groups, and to a disenchanted public, created dozens of categorical programs, required

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> accountability and competency testing, and regulated education at the local level to a degree never before known.... [It] seemed to some educators that everyone and no one was in charge and that professionals had lost the ability to exercise their traditional discretionary powers (Tyack & Hansot, 1984, p.54).

Capitalizing on educators' frustration with bureaucratic solutions to educational problems and more broad-based public anti-government sentiment, President Reagan moved quickly in his first term to advance his political agenda that sought to deregulate and dismantle federal involvement in K-12 education.

In 1980, the first year of his Presidency, Reagan sought to abolish the newly-created federal Department of Education but was defeated by the Democratic Congress. He then successfully fought to de-fund many federal education programs through across-the-board cuts in federal spending contained in his Omnibus budget. In addition, though the Democratic Congress thwarted President Reagan's attempts to abolish all federal education programs, Reagan did consolidate numerous programs through the Education Consolidation and Improvement Act (ECIA) and cede authority over these programs to state and local officials. As Jung and Kirst explain, President Reagan's policy toward K-12 education had four dimensions: (1) reductions of federal funding; (2) consolidation of programs and greater role for state and local government; (3) "less activist posture in enforcing civil rights regulations; and (4) expansion of the leadership or bully pulpit function" (Jung & Kirst, 1986, p.92).

President Reagan used his bully pulpit to hail local control as the only means to promote educational excellence. The federal government, according to Reagan, had served only to sabotage local communities' attempts to improve schools. While Reagan appointees argued that increased local control would improve education for all students, historians Tyack and Hansot note: "The main reason why social movement leaders and reformers turned to the federal government and the courts in the 1960s and 1970s was that they perceived the states and the local districts to be unresponsive to their demands for change" (Tyack & Hansot, 1984, p. 65). In fact,

"local control" was a prominent slogan among white Southern segregationists. While not all supporters of local control seek to abandon equity, it is clear that President Reagan's policies sought local control, regardless of the effect on educational equity.

Risk under Reagan -- President Reagan's agenda clearly sought to minimize the role of the government in K-12 educational policy. He masterfully retooled the notion of risk, relying upon his Education Secretary to proclaim the United States a "nation at risk." As in the days of the Eisenhower NDEA, the 1980s saw the regeneration of the notion that education plays a vital role in national security, and must be s rengthened to meet the challenge. Despite this similarity, there is a significant difference in these approaches to risk. Where the NDEA portrayed the Soviets as the source of risk, Reagan cast the government itself, and its promotion of compensatory programs, as a significant source of risk. The compensatory programs, according to Reagan, diverted funds from the 'truly capable' students and spawned a new category of risk, the risk of a "rising tide" of national educational mediocrity which threatened to cripple America's economic competitiveness. Reagan drew from this nation's historical and philosophical roots, arguing that the federal government had served to oppress individual liberty and create citizens lacking in initiative and dependent on "welfare" of all kinds -- including federal compensatory education programs. By tapping into the fear that the economy was being jeopardized by a weak educational system that was inferior to other industrialized nation's and criticizing the federal government's role in redistributing resources when many people feared for their own economic well-being, Reagan's educational policy reduced overall support for education and gutted compensatory programs targeted for children in poverty. Although considerable activity occurred at the state-level (for example the creation of frameworks and content standards), federal education policy during this time consisted of exhortations for excellence juxtaposed against meager federal assistance for change. In 1992, with the election of Bill

Clinton, federal education policy shifted toward increased support for schools, and at the same time, again altered the conception of risk motivating federal legislation.

SECTION II: "RISK" IN TODAY'S HISTORICAL MOMENT

Introduction

In this section of the paper, we examine in detail one of the central initiatives of President Clinton's agenda for K-12 educational policy, the Administration's proposal to reauthorize Title I of the Elementary and Secondary Education Act. In particular, we will outline three areas that generated heated discussion during congressional hearings, funding formulas, opportunity to learn standards, and content standards, and the myriad interests that influenced the changes in the structure and function of Title I programs. In this section we hope to accomplish two goals. First, we use our discussion of the reauthorization as a way to talk about today's historical moment and current conceptions of risk. Second, we seek to illustrate the way federal legislation, while shaped in part by notions of risk, also bears the stamp of numerous other ideas, needs, and political struggles.

The Administration's ESEA - Title I Proposal

On September 14, 1994, the Department of Education unveiled its proposal for the reauthorization of the 1965 Elementary and Secondary Education Act (ESEA). Although the bill authorized 12 different programs, national attention fixated upon the largest and most expensive measure: Title I. The focus on Title I is understandable given its heavyweight status in federal education spending. In 1993, Title I distributed $6.7 billion, representing about 80 percent of the 1993 federal appropriations for elementary and secondary education. This money was distributed to approximately 95 percent of all school districts in the country (Zuckerman, 1993).

The Clinton Administration had two basic goals for Title I. First, the Administration's proposal would create a system of standards and assessments to

gauge the effectiveness of the multitude of Title I programs across the nation. Second, the proposal sought to concentrate Title I money on districts with the high concentrations of poverty, reducing allocations to districts with lower proportions of poor students.

The Department of Education's recommendations for Title I closely followed those made by several prominent studies conducted during the three years preceding the ESEA's reauthorization. Two studies seemed to have considerable bearing on the administration's proposal: *New Directions for Title I*, conducted by the RAND Corporation, and *Making Schools Work for Children in Poverty: A New Framework* prepared by the Commission on Title I. The RAND study reviewed existing evaluation data, invited commentaries from 91 experts, and studied federal options for school-finance equalization. Based on their comprehensive evaluation of Title I, RAND's testimony to the U.S. Senate concluded with a three-part strategy for improving the education of low-income children. The recommendations were:

- Increase Title I Funding for the lowest-income schools
- Reformulate Title I to encourage better education for low-income children of all achievement levels
- Use a separate incentive for equalizing overall funding within states (Rotberg, 1994).

The recommendations made by the Commission on Title I were more comprehensive than those made by RAND, focusing on a wide range of instructional, organizational, and financial issues. The Commission on Title I presented an eight-point framework for reforming the initiative. The recommendations included:

- Have states set clear, high, standards for the Title I program
- Devise new systems for schools to assess progress toward standards

- Inform parents how well their children are progressing toward standards and how they can help
- Invest heavily in teachers, principals, and other adults in schools so that all students can meet standards
- Match funding to need, and assure equity
- Replace accounting for dollars with accountability for results
- Integrate health and social service support in schools and school districts for Title I families
- Have states reward schools that progress and change those that do not progress (Commission on Title I, 1992)

The Administration's proposal incorporated nearly all of the recommendations made by these studies. Lead by Education Secretary Richard Riley, the Clinton administration committed itself to changing the way children were taught and assessed in Title I programs. For example the new bill prohibited schools from using Title I money only to only teach low-level skills through repetitious drills, and encouraged higher order thinking skills and a variety of assessment procedures rather than strict reliance on multiple choice testing. The Administration was also intent upon changing the methods used to hold Title I programs accountable for their success and failure. Moreover, the proposal included provisions to require states and districts to create "opportunity-to-learn" (OTL) standards, standards that would outline the necessary resources and conditions to which students must have access if they were to be expected to meet high content/knowledge standards. Further, informed by the various reports, the Administration sought to fund Title I programs based on poverty rather than student achievement. (The existing funding mechanisms gave schools a perverse incentive; in order to retain funding, they needed to keep students from making substantial educational gains (Zuckerman, 1994).) Finally, the Administration's proposal sought to concentrate the impact of the program on students who needed Title I programs the most, and directed funds to schools with the highest poverty

rates. The plan formulated by the Department of Education intended to shift $500 million, approximately 8% of Title I funding, to areas with high concentrations of poverty.

Congressional Deliberation on the Reauthorization

The House of Representatives

In order to pass the House of Representatives, the Administration's proposal would have to clear a series of three hurdles. First, it would be considered by the House Education and Labor Subcommittee on Elementary, Secondary, and Vocational Education. The subcommittee's proposal would then have to be approved by the full committee. Finally, the bill that came out of the committee would have to be approved by the entire House.

The major battle within the House subcommittee was over funding. After extensive political maneuvering, the president's plan to divert Title I money to poor districts was put to a vote on February 1, 1994. The plan lost by a narrow margin, 12-14, after six Democrats abandoned the plan to assure continued funding for their districts. After rejecting the Administration's proposal, the Subcommittee passed a compromise bill which retained the existing Title I funding formula, but specified that additional funds beyond the current levels would be allocated in such a way as to slightly favor poor schools (Kuntz, 1994).

Seven days later the bill passed by the education subcommittee came under review by the full Education and Labor Committee. Since the subcommittee's bill continued to spread funding thinly across the nation, there was no significant opposition to its funding mechanisms. Other issues proved to be more contentious. Republican support for the bill dissipated after a fierce debate over opportunity-to-learn standards, which would seek to guarantee equitable conditions for all students in order to meet high academic standards. For example, the House bill required schools receiving Title I funds to offer high-quality resources that are "as challenging and of the same high quality as they are for all children." Reacting to

such language, Republicans argued that mandating school equity would be overly restrictive and expensive, and that local control was the best possible solution to whatever maladies plagued schools. Democrats argued that such standards were essential, if content standards were not going to serve to place disadvantaged students at yet further disadvantage. Despite stiff Republican opposition, the House bill was passed by the committee on February 8, 1994.

Reflecting the highly polarized nature of educational legislation, representatives on the House floor scrambled to add a series of controversial amendments to the basic legislation. Rep. Dana Rohrbacher of California tried to prohibit funds from being used to educate students whose parents are illegal immigrants. Another amendment was proposed to prohibit funds used for programs that presented homosexuality as a positive lifestyle, and a third sought to withdraw all federal funds from schools that deny students the right to "constitutionally protected" school prayer. (Wells 1994). Brushing off the onslaught of amendments, over 50 in all, the bill passed the House in its basic form on March 24, 1994.

The Senate

The plan to reauthorize the ESEA would follow a similar path through the Senate. First it would go through the Education, Arts, and Humanities subcommittee. Next, the bill would come before the Senate Labor and Human Resources Committee, followed by a vote of the entire Senate.

The subcommittee acted quickly and confidently on their version of the bill, passing it on May 17, 1994. On the issue of Title I funding, the subcommittee offered a compromise between the Administration and the House of Representatives. The subcommittee's plan was drafted by two senior statesman of the Senate, Democrats Edward M. Kennedy of Massachusetts and Claiborne Pell of Rhode Island. Their plan committed more Title I resources to needy students than the plan passed by the House, but less than the Clinton Administration had hoped. The Kennedy/Pell

compromise was not without political overtones, however. According to their formula for disbursing Title I funds, every state with a Senator on the Labor and Human Resources Committee increased their share of Title I moneys. Not surprisingly, the subcommittee voted 17-0 to approve the bill.

When the bill was presented to the Labor and Human Resources Committee, several attempts were made to change the funding formula for Title I and adopt opportunity to learn standards similar to those in the House bill. Senators from states that would lose Title I dollars under the Kennedy/Pell compromise argued that their funding formula unduly penalized states that were poor but sparsely populated. No political coalitions could be organized to oppose the subcommittee's funding formula, and the alternative proposals were voted down. When advocates of opportunity-to-learn standards attempted to insert amendments into the bill, Republican lawmakers criticized their efforts as the "nationalization of education," which "takes the methodology of teaching out of the hands of states and local communities" (Wells, 1994). Kennedy interceded, and offered a compromise. He suggested that language be adopted to encourage, but not require, states to pursue opportunity-to-learn strategies. After adopting Kennedy's opportunity-to-learn compromise, the Senate committee passed the bill by a vote of 16-1 on June 1, 1994.

On the Senate floor, action on the bill bogged down as further attempts to change the funding formula were rebuffed. Senator Dale Bumpers of Arkansas did attempt to secure additional funding for America's ten poorest states, his own included, but was rejected by a vote of 46-54. After several days of discussion on the Senate floor, Orrin Hatch of Utah executed a deft political move which amended the Senate bill to shift additional funding toward 38 states at the expense of eight, leaving four states unchanged. By undermining the bill's existing funding formula, Hatch secured the support of senators from 38 states, but did not address issues of concentrated funding for the poor.

Finally, on August 2, 1994, the U.S. Senate passed the ESEA reauthorization by a vote of 94-6.

Final Passage

After passing separate versions of the same bill, representatives from the House and Senate joined each other in conference to reconcile their work into a single, acceptable piece of legislation. The most pressing difference between the two bills concerned the allocation of Title I moneys. Opportunity-to-learn standards, mandated by the House version, were replaced by the Senate's more moderate language that encouraged, but did not require, states to ensure that districts have the capacity to provide high quality facilities and teaching staffs.

Between September 20 and 27, 1994, the House-Senate conferees negotiated differences between the bills. Finally, a compromise was reached. The final legislation authorized Title I spending for 1995 to use the existing formula up to the 1994 appropriation of $6.6 billion. Spending above that level would be determined by a weighted formula that takes into account the relative poverty of students, slightly favoring high poverty areas. Notably, the 1995 appropriations increased spending for all states except for New Jersey and the District of Columbia. The bill passed the House by a vote of 262-132 on September 30, 1994. On October 5, the Senate voted 77-20 in favor of it, after breaking a filibuster by the disgruntled Jesse Helms, who was upset that the pro-school prayer language he had advocated did not survive the conference proceedings. Finally, on October 20, 1994, President Clinton signed the $12.7 billion program into law.

Risk in the Reauthorization of ESEA -- As described above, the central provisions of the Clinton Administration's reauthorization proposal -- content standards, opportunity-to-learn standards, and the funding formula -- conceptualized risk very differently than the Reagan Administration, as well as from the notions of risk that were embedded within the original ESEA legislation. Without overstating our case, it seems that each provision reflects certain

assumptions about risk, and, perhaps, it is these different conceptions of risk that contributed to the particular element's fate in Congressional deliberation.

Standards and Risk -- Departing from the minimal expectations placed on students in the original Title 1 legislation and jettisoning disincentives to promote students out of compensatory classrooms, the reauthorization ratcheted up the level of achievement expected of Title 1 students. Thus, the idea that risk constituted an insuperable barrier to learning, which was implicit in the 1965 ESEA legislation and operationalized in the form of minimal expectations, was discarded in the 1992 reauthorization. Currently, ESEA is considered to be the first step of introducing standards-based accountability to schools while ensuring that all students are expected -- and able -- to meet them (O'Day, 1996). Students significantly behind grade-level were no longer expected to master a rudimentary curriculum, but rise to the level of their peers. In order to meet this lofty goal for Title 1 students, great faith has been placed in (yet undeveloped) educational standards which articulate what students should know and be able to do.

Why was the concept of educational standards so readily accepted by members of congress with widely varying ideological beliefs? Educational standards, as they appear in the bill (and related Goals 2000 legislation), give the appearance of being all things to all people. That is, the virtues of standards can be simultaneously held up by political conservatives and liberals, as each side creates its own interpretation of how standards will invigorate American education. Liberal lawmakers, echoing the claims of the department of education and professional educators, recognize that diminished expectations and differential access to resource-rich classrooms often places students at risk, and see standards as a way of setting high expectations for all students, not just the well-to-do. Conservatives, enamored of the language of excellence that permeates the proposal, see standards as a way to ensure a pool of highly skilled workers needed to for the technologically intensive workplaces on which American economic growth and prosperity depends.

In standards, then, lawmakers find a program that serves their own, often differing, conceptions of risk. Lawmakers can agree on the program without agreeing on its underlying conception of risk.

Opportunity-to-Learn and Risk -- The Administration promoted OTL standards as a way of enabling student success by improving school conditions in poor school districts. By emphasizing the myriad features of school life that influences student performance (e.g. teachers' expertise and the quality of facilities), the administration characterized risk as being, in part, environmentally situated rather than located entirely within the will or capacity of students. Thus, risk is defined not by target populations, but rather by target educational contexts, suggesting that students from many backgrounds could find themselves at risk under certain school or classroom conditions.

The opportunity to learn standards were the subject of considerable controversy in both the House and the Senate. Conservatives comfortable with the notion of "outcome" (content or performance) standards argued vehemently against the need for "input" (OTL) standards. Fearful of opening up a floodgate of federal spending to improve schools, Conservatives argued that OTL standards would be impossible to finance. More importantly, Conservatives argued that OTL standards represented an unconstitutional federal intrusion on state and local authority over education. Liberals, eager to ameliorate the squalid conditions found in the nation's poorest public school districts, pushed OTL standards as necessary contribution to educational equity. Their political compromise -- advocating voluntary OTL standards -- reflects both a general acceptance that risk is context related and political reality that prevents large scale social spending initiatives, regardless of their necessity or merit.

Funding Redistribution and Risk -- Like the 1965 Act, the 1992 reauthorization attempted to focus funding on students in highest poverty, concentrating spending rather than spreading it out. However, just as the original

legislation passed Congress in part because it doled out money to every Congressional district, the Clinton version ran into trouble when it attempted to target funding more narrowly. Despite a general consensus in Congress that poverty and risk were inextricably related to one another, beliefs about risk were mediated by political ideology and competition for scarce resources. Even avowed supporters of concentrated funding to high-poverty schools were unwilling to put their own legislative careers "at-risk" by transferring funds away from their districts.

The dilemma over Title I funding was synthesized succinctly by Republican Representative Bill Goodling of Pennsylvania. Goodling, widely respected by Democrats and Republicans alike for his moderate stands and efforts to bring about bipartisan compromise, showed how difficult spending decisions can be. When questioned about Title I funding, Goodling's response reflected the dual motives that plague legislators. He admitted that "you need to target the poorest, " but that he would fight any effort to take away his district's Title I money (Zuckerman, 1994).

CONCLUDING REMARKS

So, where does this trip through "policy approaches to risk" leave us? At one level, it is clear that varying notions of risk are reflected in the past 40 years of federal K-12 legislation. From the National Defense Education Act's response to the threat of Soviet dominance comes a conception of risk as the subordination of the Unites States to a foreign power. Embedded in the Elementary and Secondary Act of 1965 is the notion that groups of students, targeted by membership in certain populations, should be considered "at-risk" for school failure. Reagan's Presidency recast risk yet again, suggesting that America's risk was that of a government overstepping its bounds and threatening individual initiative and liberty. Through the portrait of the reauthorization of the Elementary and Secondary Act, we see a battle over conflicting and competing notions of risk, a battle that ultimately ends with no firm notion of risk and no priority for risk-related factors. Instead, it is clear that legislators' fears of losing their jobs, should they not return to their districts with federal money for their schools, was the factor most strongly influencing the outcome of the legislative process. While conceptions of risk have changed over time, the battle for federal resources has not.

While there has never been uncontested consensus over federal legislation and notions of risk, today's historical moment seems to be one in which consensus is no longer sought. In its infancy during the 1950-1970s, federal involvement in education had some capacity to mitigate anger or resentment over controversial decisions (such as mandated desegregation), by allocating additional resources to powerful constituencies. Today's political climate, characterized by shrinking federal resources and a seeming zero-sum mentality among legislators, reduces the likelihood of reaching consensus through increased spending. Rather than struggle for consensus and arrive at compromise, policies are being proposed that allow individuals with very different conceptions of risk to align under a single umbrella. Thus, any push for a shared understanding of risk that could be used to promote

equal opportunity is lost. For example, because lawmakers cannot agree on what constitutes an acceptable standard, one of the key provisions of ESEA designed to promote achievement among all students -- educational standards -- are bogged down in several states. At the federal level, the agency designated to write standards, (NESIC) was obliterated in 1995, a victim of the Republican revolution. The inability to implement ESEA exemplifies the lack of consensus over federal policy that is hidden by the bill's vague language, which was necessary to ensure assure its passage.

At this point in the paper, we'd like to suggest that the ideas and questions presented in this paper be considered more an opening than a closing of discussion. What is most interesting, perhaps, is the question with which we leave this paper. "How might we reshape, reassert, and reinvigorate today's policy debate about risk?" While today's political arena is short on compassion and long on fear, and today's politics seem to be poisoned by the threat of economic uncertainty, this overview suggests that conceptions of risk, in all forms, are a powerful motivating force for the creation and reshaping of federal educational legislation. While we are heartened by recent legislation that characterizes risk as contexually situated, superable, and deserving of concentrated resources, we are frustrated by the political condition which prevents its adequate implementation. Given the opportunity to use federal policy as a lever for changing local conceptions and practices related to risk, we believe that reinvigorating the national discussion of risk -- with the goal of building political consensus and realizing the political will to act on behalf of all children -- must be among educators highest priorities.

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